

REMARKS

The Applicant has now had an opportunity to carefully consider the comments set forth in the Office Action mailed March 24, 2006. The allowance of claims 19-20 and the recognition of allowable subject matter in claims 9-17 and 31-36 are noted with appreciation. Additionally, the clarity of the Office Action is noted with great appreciation. Nevertheless, amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed March 24, 2006:

claims 9-25 were allowed;

claims 9-17 and 31-36 were recognized as including allowable subject matter;

claims 1-2, 4, 6, 8, 18 and 26-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,421,442 B2 to Slutsman, et al. ("Slutsman") in view of U.S. Patent No. 5,953,663 to Maupin, et al. ("Maupin") in further view of U.S. Patent No. 6,625,273 B1 to Ashdown, et al. ("Ashdown"); and

claims 3, 5 and 7 were not addressed in the Detailed Action, but were included in the range of rejected claims listed in the Office Action Summary. It may have been intended to include **claims 3, 5 and 7** in the list of claims found to include allowable subject matter.

The Present Application

By way of brief review, the present application is directed toward methods and systems for storing number portability (NP) query results and using the stored results to avoid subsequent NP queries (paragraph 1, lines 2-3). As recited, for example, in claim 1, a method of the present application includes querying a **local** number portability data storage device for stored routing information associated with a directory number and time information associated with a date and time when a previous number portability query associated with the directory number returned the stored routing information. Additionally, the method recited in claim 1 includes determining if the stored routing information is expired by determining if the time information associated with the stored routing information exceeds a first predetermined time threshold, and if the stored routing information is not expired, forwarding the incoming call and the stored routing

information to a second mobile switching center.

The methods and systems of the present application are useful because each external NP query is associated with a cost. If a subscriber that has taken advantage of number portability and changed mobile service providers is a high traffic user, the cost to the mobile service provider associated with the old home mobile switching center of the subscriber is burdened with significant NP query expenses (paragraph 4, lines 7-9).

The Cited References

In contrast, the primary reference of the Office Action to Slutsman is unconcerned with NP query costs. Instead, Slutsman is concerned with reducing post-dial delay (column 3, line 39). Accordingly, a processing office of Slutsman concurrently checks a cache for location routing number (LRN) response information corresponding to a dialed number and launches a query to a number portability database (Abstract, lines 5-8). As pointed out by the Examiner during a telephone interview summarized below, Slutsman mentions a method that allegedly reduces queries (column 3, lines 18-19). However, it is respectfully submitted that Slutsman teaches away from that method by indicating that "the inventors have noted that post-dial delay, a phenomenon of concern to service providers, can be exacerbated by delaying the launch of database queries until an attempt to connect using cached LRN response information fails" (column 3, lines 19-23). Furthermore, it is respectfully submitted that this delaying the launch of a database query until an attempted connection fails is a point of departure between the subject matter alluded to by Slutsman and that disclosed and claimed in the present application.

For example, claim 1 recites determining if stored routing information is expired by determining if the time information associated with the stored routing information exceeds a first determined time threshold. Additionally, claim 2 recites querying an external number portability database if the stored routing information is expired. It is respectfully submitted that the methods disclosed and claimed in the present application take steps to avoid connection failures while the method alluded to by Slutsman (and that of the secondary reference to Maupin) apparently relies on connection failures to trigger external database queries.

Additionally, it is noted that Slutsman is silent with regard to mobile networks or mobile switching centers.

Ashdown, which allegedly discloses a system and method for a local number portability cache, is also silent with regard to mobile networks and possible modifications or improvements to mobile switching centers. Furthermore, Ashdown does not disclose or suggest a switch querying a local number portability data storage device. Instead, the switch or service switching point (SSP) of Ashdown queries an external service control point (SCP).

In the system of Ashdown, an intelligent communications platform (ICP) located between the SSP and a signal transfer point (STP) intercepts all transactions capabilities applications part (TCAP) information into and out of the SSP (column 3, lines 5-9). The ICP provides a platform for a variety of applications that monitor and manipulate this TCAP data (column 3, lines 12-13). A local number portability (LNP) cache (LNPC) application runs on the ICP (column 3, line 19). When a query (to the external SCP) is intercepted, the LNPC performs a database lookup (column 3, lines 22-23). However, it is the LNPC application running on the ICP that performs the lookup. As such, it is respectfully submitted that Ashdown does not disclose or suggest a mobile switching center or (even an SSP) querying a local number portability data storage device.

Maupin allegedly discloses rerouting an incoming call to a ported telecommunications terminal. It is respectfully submitted that Maupin allegedly discloses embodiments of the problematic prior art referred to, for example, in paragraph 3 of the present application. Maupin does not disclose or suggest using a local number portability data storage device. Instead, it is respectfully submitted Maupin discloses only querying an external number portability database (SCP 90) after determining that the telecommunications terminal associated with a specified called party directory number has been ported (Abstract). Furthermore, that determination is made as the result of a failed attempt to complete the associate call by the donor switch 40 (column 2, lines 58-67). It is respectfully submitted that this technique is similar to the one from which Slutsmann teaches away.

Summary of Telephone Interviews

On or about April 25, 2006, Mr. Thomas Tillander, one of the representatives of the Applicant, called the Examiner, Ms. Olivia Marie Marsh, and suggested an amendment to claim 1 for discussion purposes. The Examiner briefly considered the

proposal and suggested alternative language. Slutsman and Ashdown were briefly discussed in contrast to the proposed claim amendments. A scheduled time for a more formal telephone interview was agreed to.

On May 1, 2006, the Examiner telephoned Mr. Tillander and asked to be provided with proposed claim amendments for discussion purposes. Mr. Tillander agreed to provide some proposals and faxed several proposed versions of claim 1 to the Examiner later that day.

The participation of the Examiner, Ms. Olivia Marie Marsh, in a telephone interview held on May 2, 2006 is noted with appreciation. In that interview, Mr. Tillander outlined reasons the various proposed amendments further differentiated the subject matter of claim 1 from the combination of cited references. The Examiner considered these comments and directed the attention of Mr. Tillander to column 3, lines 10-18, of Slutsman which, as outlined above, mentions an allegedly co-pending application by the same inventors that proposes to employ a cache at the switching office that launches the database query. Allegedly, according to that application, the cache is checked before a query is launched so that if LRN response information is in the cache, there is no query unless upon attempting a connection using the LRN response information in the cache, the attempt fails because the cache information is incorrect. Mr. Tillander considered the points made by the Examiner and the disclosure of Slutsman and then pointed out that column 3, lines 19-23, teach away from the subject matter of this allegedly co-pending application of Slutsman. The Examiner conceded this point, but suggested that this portion of Slutsman implied that other references might be found.

The Examiner also asserted that Ashdown included certain similarities to the subject matter recited, for example, in claim 1. Mr. Tillander pointed out that the proposed claim amendments included a recitation of --the first mobile switching center querying a local number portability data storage device and that the query in Ashdown is from a service switching point to a service control point, that Ashdown discusses a third device added to the network, referred to as an intelligent communications platform (ICP) and that this third device intercepts and processes the query from the SSP to the SCP. Therefore, Mr. Tillander submitted, Ashdown does not disclose or suggest a first mobile switching center, or any switching center, querying a local number portability data storage device.

The Examiner indicated that these arguments might have merit and suggested

that they be presented formally in a written amendment for further consideration. With regard to the proposed claim amendments, no firm agreement was reached. It is respectfully submitted that the formal written amendment suggested by the Examiner is included herewith.

The Claims are not Obvious

Claims 1-2, 4, 6, 8, 18 and 26-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Slutsman in view of Maupin and further in view of Ashdown. In explaining the rejection of **claim 1**, the Office Action stipulates the Slutsman fails to teach the station is a mobile station, the network is a wireless network, the first switching center is a mobile switching center and that the second switching center is a mobile switching center. However, the Examiner contends that this feature was old and well known in the art at the time of the invention and directs the attention of the Applicant to Maupin as evidence in support of this assertion.

However, it is respectfully submitted that Slutsman and Maupin do not disclose or suggest that a mobile switching center could or should be adapted to perform the method of Slutsman or the method recited, for example, in **claim 1** of the present application.

Even if Maupin discusses mobile switching centers and mobile stations, Maupin does not disclose or suggest that a mobile switching center could or should be adapted to concurrently check a cache for LRN response information and launch a query to a number portability database. Slutsman does not disclose or suggest that mobile networks could or should be so adapted.

To the contrary, and as at least partially acknowledged by the Office Action, Maupin discloses a (time consuming) process wherein when a calling party subscriber terminal 30 requests call connection toward the called party mobile station 120 that has been ported from the donor HLR 130 to the gaining HLR 150, in a conventional manner, a call setup signal is routed to the N-1 switch 100 connecting the originating switch with the donor PLMN. Not knowing that the mobile station 120 has been ported, and without yet performing a database query to the centralized database, the received incoming call connection is routed to the donor GMSC 180 associated with the donor HLR. The donor GMSC, in turn, determines that the mobile station associated with the received MSISDN number has been ported. Such a determination may be made by evaluating a

register 300 within the donor GMSC 180 storing data indicating that the MSISDN has been ported (but not, it is respectfully submitted, routing information associated with the directory number and time information associated with a date and time when a previous number portability query associated with the directory number returned the stored routing information). As an alternative, the donor GMSC 180 sends a conventional signal 300 requesting routing information to the donor HLR 130. The donor HLR 130 then determines that the MSISDN number is no longer registered and returns a signal 310 informing the donor GMSC 180 that no routing instruction is available an that the mobile station 120 has been ported. In response to such a signal, the donor GMSC 180 transmits a connection-less signal 270 with a second network address representing the N-1 switch 100 and the call identifier representing the incoming call connection to **the centralized database** 90. The centralized database 90 then retrieves the network address representing the gaining GNSC 200 and, more particularly, the gaining HLR 150. Another connection-less signal 280 including the retrieved network address is transmitted to the N-1 switch utilizing the second network address received from the donor GMSC 180 as the new destination address. The transmitted signal 280 further includes the call identifier representing the incoming call connection. Upon receiving the signal 280, the N-1 switch 100 determines that the called party mobile station 120 has been ported and, accordingly, releases the first call connection 210 with the donor GMSC 180. Thereinafter, the N-1 switch 100 reroutes the call connection to the gaining GMSC 200 utilizing the received network address as the new CdPn (column 8, lines 21-64).

It is respectfully submitted that Slutsman teaches away from delaying launching a query to a centralized database until after a connection attempt fails (column 3, lines 16-23) such as that described by Maupin. Therefore, it is respectfully submitted that Slutsman is not properly combined with Maupin against the claims of the present application.

Moreover, it is respectfully submitted that there is no motivation in the art to combine Slutsman and Maupin. It is respectfully submitted that the motivation suggested by the Office Action to combine the mobile switching centers and mobile stations of Maupin into the system taught by Slutsman, i.e., in order to reduce the number of queries performed to the centralized database, is unconvincing. Slutsman is not concerned with reducing a number of queries to a centralized database. Instead,

Slutsman launches a query to a number portability database each time a dialed number associated with a portable MPA-NXX is received (column 3, lines 48-52). Therefore, it is respectfully submitted combining the mobile network elements of Maupin with the system or method of Slutsman would not reduce the number of centralized database queries over that disclosed by Maupin. Maupin only performs a query when a connection through the services of a donor GSMC has failed. Since the combination of Slutsman and the mobile network element of Maupin would not reduce the number of queries performed to the centralized database, and since Slutsman teaches away from delaying database queries until a connection failure occurs (as disclosed in Maupin), it is respectfully submitted that there is no motivation in the art, other than that provided by the present application to combine the subject matter of Slutsman and Maupin. Additionally, it is noted that Maupin issued on September 14, 1999 prior to both the January 29, 2001 filing date of Slutsman and the December 1, 1999 filing date of the parent application of Slutsman. Yet it does not appear to have been obvious to Slutsman, et al. to apply the techniques of Slutsman to mobile communications networks. For the foregoing reasons, it is respectfully submitted that the Office Action has not met its burden of presenting a case for *prima facie* obviousness.

For at least the foregoing reasons, **claim 1**, as well as **claims 2-18**, which depend therefrom, is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Additionally, **claim 1** has been amended to recite *inter alia*: a first mobile switching center querying a local number portability data storage device, in lieu of an external number portability database, for stored routing information associated with the directory number and time information associated with a date and time when a previous number portability query associated with the directory number returned the stored routing information.

It is respectfully submitted that Maupin does not even disclose or suggest a local number portability data storage device.

To the extent that Slutsman could be construed to disclose a switching center querying a local number portability data storage device in lieu of an external number portability database, Slutsman teaches away from doing so in favor of sending concurrent queries to both a cache and a number portability database (column 3, lines 10-34).

Ashdown does not disclose or suggest a switching center querying a local number portability data storage device in lieu of an external number portability database for stored routing information. Instead, Ashdown discloses a service switching point (SSP) querying a service control point (SLP) and that query being intercepted by a local number portability cache application running on an intelligent communications platform.

For at least the foregoing additional reasons, **claim 1**, as well as **claims 2-18**, which depend therefrom, is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

With regard to **claim 2**, the Office Action asserts that Slutsman discloses: if the stored routing information is expired, querying an external number portability database and directs the attention of the Applicant to column 6, lines 45-48, in support of the assertion. The Applicant respectfully disagrees.

Slutsman does not launch a query based on a determination that stored routing information is expired. Column 6, lines 45-48, indicates that since the cache does not contain any information regarding the dialed number, end office 110 awaits a response to the launched query. However, it is respectfully submitted that the launched query referred to was launched concurrently with the checking of the cache and before it was determined that the cache does not contain any information regarding the dialed number. Furthermore, determining that the cache does not contain any information for the dialed number is not the same as determining that information that is in the cache is expired.

For at least the foregoing additional reasons, the Office Action has not met its burden of presenting a case of *prima facie* obviousness, and **claim 2** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown taken alone or in any combination.

Claim 3 was not included in any detailed rejection. It may be that **claim 3** was meant to be found to be allowable. In any event, like **claim 2**, **claim 3** recites if the stored routing information is expired, querying an external number portability database for current routing information associated with the director number. In this regard, arguments similar to those submitted in support of **claim 2** are submitted in support of **claim 3**. Slutsman does not disclose the subject matter for which it is relied, and the Office Action does not meet the burden of the Office for presenting a case of *prima facie* obviousness. Additionally, **claim 3** recites *inter alia*: forwarding the incoming call

and the current routing information to a third mobile switching center, wherein the current routing information associates the directory number with the third mobile switching center. The Office Action does not assert that any combination of the references discloses forwarding the incoming call and the current routing information to a third mobile switching center, wherein the current routing information associates the directory number with the third mobile switching center.

For at least the foregoing additional reasons, **claim 3** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Regarding **claim 4**, the Office Action directs the attention of the Applicant to column 6, lines 50-55, in support of the assertion that Slutsman discloses determining if the return result from an external number portability database includes the current routing information. However, the cited portion recites "the called party number parameter is populated with the LRN while the generic address parameter is populated with the dialed number. In this instance, however, the query indicator is adjusted to reflect the fact that the LRN response information comes from the number portability database."

It is respectfully submitted that nothing in the cited portion of Slutsman discloses testing or analyzing a return result to determine if the return result from the external number portability database includes current routing information.

For at least the foregoing additional reason, the Office Action has not met its burden of presenting a *prima facie* case of obviousness, and **claim 4** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Additionally, the assertions of the Office Action with regard to the disclosure of Maupin are respectfully traversed. Maupin does not disclose or suggest querying a local number portability data storage device. Therefore, Maupin cannot disclose or suggest --if the return result from the local number portability data storage device does not include the stored routing information, querying a home location register associated with the first mobile switching center for location information associated with the mobile station--.

Instead, it is respectfully submitted that column 8, lines 33-38, of Maupin describe a failure of a routing attempt. That is, the donor GMSC determines that the mobile station associated with the received MSISDN number has been ported. Column 8, lines 41-54, describe one way the GMSC can make that determination by querying

the donor HLR and receiving a signal from the donor HLR informing the donor GMSC that no routing instruction is available and that the mobile station has been ported. It is respectfully submitted that querying described in column 8, lines 33-45, of Maupin is not done “if the return result from the local number portability storage device does not include the stored routing information” as recited in **claim 4**.

For at least the foregoing additional reasons, **claim 4** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Claim 5 was not included in any detailed rejection. It may be that **claim 5** was meant to be found to be allowable. In any event, **claim 5** recites if the return result from the local number portability storage device does not include the stored routing information, querying a home location register associated with the first mobile switching center for location information associated with the mobile station and determining if the return result from the home location register includes the location information. In this regard, arguments similar to those submitted in support of **claim 4** are submitted in support of **claim 5**. Slutsman does not disclose or suggest determining if the return result from the external number portability database includes the current routing information and Maupin does not disclose or suggest querying a home location register if the return result from a local number portability data storage device does not include stored routing information. Additionally, **claim 5** recites *inter alia*: “forwarding the incoming call and the current routing information to a third mobile switching center, wherein the current routing information associates the directory number with the third mobile switching center.” It is respectfully submitted that the Office Action does not assert that the references disclose this subject matter from **claim 5**.

For at least the foregoing additional reasons, **claim 5** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown taken alone or in any combination.

Arguments similar to those submitted in support of **claims 4 and 5** with regard to making a query if the return result does not include the stored routing information are also submitted in support of **claim 6**. Additionally, arguments submitted in support of **claim 1** regarding motivation to combine Slutsman and Maupin are reiterated with regard to **claim 6**. Maupin discusses a prior art system without a local number portability data storage and waits for connection or routing failure before querying an external number portability database. Slutsman teaches away from such techniques by indicating that they exacerbate post-dial delay (column 3, lines 19-23, of Slutsman).

Additionally, the motivation suggested by the Office Action is specious. Replacing the switches of Slutsman with mobile switching centers would not reduce the number of queries performed to a centralized database. It would simply replace the switches with mobile switching centers. Maupin only queries an external centralized database when a routing error occurs. Therefore, applying the technique of Slutsman to the system of Maupin would not reduce the number of queries.

For at least the foregoing reasons, **claim 6** is not obvious in light of Slutsman, Maupin and Ashdown taken alone or in any combination.

Claim 7 was not included in any detailed rejection. It may be that **claim 7** was meant to be found to be allowable. In any event, arguments similar to those submitted in support of **claim 4-6** are submitted in support of **claim 7**. Additionally, it is noted that **claim 7** recites forwarding the incoming call and current routing information to a third mobile switching center. It is respectfully submitted that the Office Action does not assert that the combined references disclose forwarding the incoming call and current routing information to a third mobile switching center.

For at least the foregoing additional reasons, **claim 7** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Regarding **claim 8**, the Office Action stipulates that Slutsman does not disclose the elements of **claim 8** and relies on Maupin for such disclosure. However, as indicated above, Maupin is not properly combined with Slutsman. Slutsman teaches away from delaying central number portability database queries until after a connection failure. Therefore, it would not be obvious to combine Slutsman and Maupin. Furthermore, such a combination would not result in a reduction of the number of queries. Therefore, the motivation for combining Slutsman and Maupin suggested by the Office Action is specious, and the Office Action does not meet the burden of the Office to present a *prima facie* case of obviousness.

Additionally, it is respectfully submitted that motivation to combine Slutsman and Maupin can only have been found in the present application. Therefore, the rejection of **claim 8** is based on impermissible hindsight.

For at least the foregoing additional reasons, **claim 8** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Regarding **claim 18**, the Office Action directs the attention the Applicant to column 6, lines 64-65, of Slutsman. However, the cited portion of Slutsman reads as

follows: "the cache entry is designated as a valid entry and is considered as such for some set period of time." It is respectfully submitted that this portion of Slutsman does not disclose or suggest the details of i) a time stamp reflecting an approximate date and time when the previous number portability query that returned the stored routing information for the directory number was performed, ii) a time stamp reflecting a date and time after which the stored routing information is considered expired by the first mobile switching center, and iii) a value reflecting an amount of time until the first mobile switching center considers the stored routing information expired. Therefore, the Office Action does not meet the burden of presenting a case of *prima facie* obviousness with regard to **claim 18**.

For at least the foregoing additional reason, **claim 18** is not anticipated and is not obvious in view of Slutsman, Maupin and Ashdown.

Claim 26 recites *inter alia*: a telecommunications system including a first mobile switching center having means for performing the steps recited in **claim 1**. In this regard, arguments similar to those submitted in support of **claim 1** are submitted in support of **claim 26**. Additionally, **claim 26** has been amended to recite that the first mobile switching center includes means for querying a local number portability storage device, in lieu of an external number portability database, for stored routing information associated with the directory number and time information associated with a date and time when a previous number portability query associated with the directory number returned the stored routing information. In this regard, arguments similar to those submitted in support of **claim 1** with regard to the amendment to **claim 1** are submitted in support of **claim 26**.

For at least the foregoing reasons, **claim 26**, as well as **claims 27-30**, which depend therefrom, is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Claim 27 recites a system further including a number portability database and wherein the first mobile switching center further includes means for performing steps similar to those recited in **claim 2**. In this regard, additional arguments similar to those submitted in support of **claim 2** are submitted in support of **claim 27**.

For at least the foregoing additional reasons, **claim 27** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Claim 27 has been amended to recite *inter alia*: the telecommunications system

set forth in **claim 26**, further including an external number portability database wherein the first mobile switching center further includes means for performing a method similar to that recited in **claim 4**. In this regard, additional arguments similar to those submitted in support of **claim 4** are submitted in support of **claim 27**.

For at least the foregoing additional reasons, **claim 27** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Claim 28 has been amended to recite *inter alia*: a home location register and an external number portability database, wherein the first mobile switching center further includes means for performing the method recited in **claim 5**. In this regard, additional arguments similar to those submitted in support of **claims 4** and **5** are submitted in support of **claim 28**. Maupin does not disclose or suggest a local number portability data storage device. Therefore, Maupin cannot disclose or suggest means for querying the home location register associated with the first switching center for location information associated with the mobile station if the return result from the local number portability storage device does not include the stored routing information.

For at least the foregoing additional reasons, **claim 28** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

Claim 29 has been amended to recite *inter alia*: the telecommunications system set forth in **claim 26** further including an external number portability database wherein the first mobile switching center further includes means for performing the method recited in **claim 6**. In this regard, additional arguments similar to those submitted in support of **claim 6** are submitted in support of **claim 29**.

For at least the foregoing additional reasons, **claim 29** is not anticipated and is not obvious in light of Slutsman, Maupin and Ashdown.

TELEPHONE INTERVIEW

In the interests of advancing this application to issue, the Applicants respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-36 remain in the application. Claims 19-25 are allowed. Claims 9, 16 and 31 have been placed in independent form including all the limitations of their respective base claims and any respective intervening claims. Therefore, claims 9-17 and 31-36 are allowable. For at least the reasons, the remaining claims including claims 1-8, 18 and 26-30 are also allowable. Accordingly and early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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May 26, 2006

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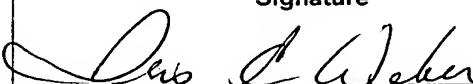
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